

Notice of Allowability

Application No.

10/098,637

Examiner

Lisa Hashem

Applicant(s)

SOUISSI ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 11-21-2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-8, 10-12, and 14-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:
upon close review of the claims, the prior art, and applicant's remarks in the Amendment filed on 11-21-07, it appears that the allowance of claims 1-4, 6-8, 10-12, and 14-22 are appropriate.

The prior art of U.S. Pat. No. 6647409 by Sherman discloses: a method for complete message delivery comprising: receiving a message notification (i.e. a handheld personal computer (Fig. 1, 22) receiving a message header of a stored e-mail message from a server (Fig. 1, 24)) through a first communication network (Fig. 1), the message notification (i.e. header) corresponding to a complete message (i.e. e-mail message stored in the server) (col. 10, lines 12-17); connecting to a message server (Fig. 1, 24; col. 8, lines 7-14) (i.e. the handheld establishes a session with the server); parsing the message notification (i.e. header), prior to downloading the complete message, to determine a parameter (i.e. date the message was created) pertaining to the complete message (col. 9, lines 44-47; col. 10, lines 19-21); comparing the parameter to an established criteria (i.e. date range specified by a user of the handheld) for retrieving complete messages (col. 9, lines 47-53; col. 10, lines 21-30); and downloading the complete message if the parameter satisfies the established criteria (col. 10, lines 31-43) rather than comparing parameters in the notification to preferences in order to determine downloading a message to a device and connecting to a message server for downloading the message over a second communication network that is different from a first communication network. Therefore Sherman does not meet the requirements of the claimed invention.

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Further, it would be contrary to the teaching in Sherman to modify the predetermined criteria to include multiple parameters that are compared against multiple fields in the header and for the handheld personal computer to interact with two different networks since Sherman includes one predetermined criteria (i.e. date range) that is used to compare against a field (i.e. date) in the header to determine if a message should be downloaded to the handheld personal computer and the handheld personal computer connects with a message server directly or via a pc using one communication network.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 31, 2008


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600